

Morgan Lewis

John P. Lavelle, Jr.

Partner
+1.609.919.6688
john.lavelle@morganlewis.com

November 12, 2024

VIA ECF

The Honorable Thomas Vanaskie, Special Master
Stevens & Lee
1500 Market Street, East Tower, 18th Floor
Philadelphia, PA 19103

Re: In re Valsartan, Losartan, and Irbesartan Products Liability Litigation
USDC, District of New Jersey, No. 1:19-md-2875-RMB

Dear Special Master Vanaskie:

During the October 29, 2024 status conference, Your Honor directed the potential wave-two bellwether parties to advise the Court within two weeks of the conference whether each party is willing to waive its individual *Lexecon* rights. *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998). 10/29/2024 Transcript, 25:15-19. Our clients Aurobindo Pharma, Ltd., Aurobindo Pharma USA, Inc., and Aurolife Pharma, LLC ("Aurobindo Defendants") are among the defendants in one of the selected cases, which was filed by Nabil Hanna (a citizen of Ohio) at 2020-cv-14570 (the "Hanna Action"). Mr. Hanna's Short-Form Complaint identified the Northern District of Ohio as the proper venue for remand and trial.

Aurobindo Pharma USA, Inc., and Aurolife Pharma, LLC are willing to agree to a limited, specific waiver of their *Lexecon* rights with respect to the Hanna Action only, provided that Plaintiffs Hanna and Sargios are willing to agree to dismissal with prejudice of Aurobindo Pharma, Ltd. ("APL") from the Hanna Action. APL is domiciled in India and maintains that neither this Court nor the Northern District of Ohio may exercise personal jurisdiction over it with respect to the Hanna Action. Dismissal of APL from this case will avoid the necessity for litigation and decision of the personal jurisdiction issue, streamlining the issues and promoting judicial efficiency. The parties will still be able to obtain the benefit of litigating this bellwether case with respect to the US domiciled Aurobindo Defendants. Notably, Plaintiffs previously agreed to such an approach with respect to Teva's ex-US parent for the TPP trial that had been scheduled for this year.

The Aurobindo Defendants do not agree to waive their *Lexecon* rights in any other cases in this MDL at this time.

Morgan, Lewis & Bockius LLP

502 Carnegie Center
Princeton, NJ 08540-6241
United States

T +1.609.919.6600
F +1.877.432.9652

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John P. Lavelle, Jr.", written in a cursive style.

John P. Lavelle, Jr.